

REMARKS

Claims 1-5 are pending. By this response, claims 1 and 3 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) in view of Kinugawa et al. (US 6,450,138). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, a groove provided on the opposite side of the shoe on the housing side to accommodate one-end side of the energizing means and a hole provided in the vane of the second rotor to accommodate the other-end side of the energizing means. Applicants respectfully submit that Kinugawa fails to teach these features.

As recited above, claim 1 requires a hole in the vane of the second rotor into which the energizing means is inserted. As discussed in the present invention and in Kinugawa a groove is a notch out of the entire area of the vane or shoe, whereas a hole is encompassed within an area like in the manner of a cave.

Kinugawa teaches placement of a spring in a groove in the vane as well as in a groove in the shoe of the first and second rotors. Thus, Kinugawa fails to teach a hole provided in the vane of the second rotor to accommodate the other end of the side of the energizing means as recited in independent claim 1.

Therefore, in view of the above, Applicants respectfully submit that Kinugawa fails to teach each and every feature of independent claim 1 as required. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

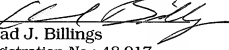
For at least the above reasons Applicants respectfully submit claims 1-5 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: November 7, 2008

Respectfully submitted,

By 
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant